



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB5961

by Rep. Avery Bourne

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Vehicle Code. Provides that, with exceptions, a person may not use a wireless telephone at any time while operating a motor vehicle on a roadway. Provides that committing the violation of using a wireless telephone while driving is an offense against traffic regulations governing the movement of vehicles, which carries a minimum fine of \$75 for a first offense, \$100 for a second offense, \$125 for a third offense, and \$150 for a fourth or subsequent offense. Provides that a person under the age of 19 holding an instruction permit or graduated license commits a petty offense if he or she drives while using a wireless telephone. Provides that a person committing a violation of aggravated use of a wireless telephone while driving commits either a Class A misdemeanor or a Class 4 felony depending on the circumstances. Provides that a violation (rather than a second or subsequent violation) of operating a motor vehicle while using an electronic communication device is an offense against traffic regulations governing the movement of vehicles, for which a person shall be fined a minimum (rather than maximum) of \$75 for a first offense. Provides that provisions disallowing use of certain electronic communication devices does not include a driver of a commercial motor vehicle over the age of 19 using the electronic communication device within the permitted scope of employment on a permanently installed communication device designed for a commercial motor vehicle with a screen that does not exceed 10 inches tall by 10 inches wide in size. Removes the use of certain electronic communication devices allowed while driving. Provides for age distinctions in conjunction with the use of wireless telephones or electronic communication devices. Defines "electronic message". Makes conforming changes.

LRB099 20499 RJF 45022 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Sections 12-610, 12-610.1, and 12-610.2 as follows:

6 (625 ILCS 5/12-610) (from Ch. 95 1/2, par. 12-610)

7 Sec. 12-610. Headset receivers.

8 (a) Except as provided under Section 11-1403.3, no driver
9 of a motor vehicle on the highways of this State shall wear
10 headset receivers while driving.

11 (b) This Section does not prohibit the use of a headset
12 type receiving equipment used exclusively for safety or traffic
13 engineering studies, by law enforcement personnel on duty, or
14 emergency medical services and fire service personnel.

15 (c) (Blank). ~~This Section does not prohibit the use of any~~
16 ~~single sided headset type receiving and transmitting equipment~~
17 ~~designed to be used in or on one car which is used exclusively~~
18 ~~for providing two way radio vocal communications by an~~
19 ~~individual in possession of a current and valid novice class or~~
20 ~~higher amateur radio license issued by the Federal~~
21 ~~Communications Commission and an amateur radio operator~~
22 ~~special registration plate issued under Section 3-607 of this~~
23 ~~Code.~~

1 (d) This Section does not prohibit the use of a
2 single-sided headset or earpiece with a cellular or other
3 mobile telephone.

4 (Source: P.A. 92-152, eff. 7-25-01.)

5 (625 ILCS 5/12-610.1)

6 Sec. 12-610.1. Wireless telephones.

7 (a) As used in this Section, "wireless telephone" means a
8 device that is capable of transmitting or receiving telephonic
9 communications without a wire connecting the device to the
10 telephone network.

11 (b) A person under the age of 19 years who holds an
12 instruction permit issued under Section 6-105 or 6-107.1, or a
13 person under the age of 19 years who holds a graduated license
14 issued under Section 6-107, may not drive a vehicle on a
15 roadway while using a wireless phone.

16 (b-5) A person under the age of 19 commits aggravated use
17 of a wireless telephone when he or she violates subsection (b)
18 and in committing the violation he or she was involved in a
19 motor vehicle accident that results in great bodily harm,
20 permanent disability, disfigurement, or death to another and
21 the violation was a proximate cause of the injury or death.

22 (c) This Section does not apply to a person under the age
23 of 19 years using a wireless telephone for emergency purposes,
24 including, but not limited to, an emergency call to a law
25 enforcement agency, health care provider, fire department, or

1 other emergency services agency or entity.

2 (d) If a graduated driver's license holder over the age of
3 18 committed an offense against traffic regulations governing
4 the movement of vehicles or any violation of Section 6-107 or
5 Section 12-603.1 of this Code in the 6 months prior to the
6 graduated driver's license holder's 18th birthday, and was
7 subsequently convicted of the violation, the provisions of
8 paragraph (b) shall continue to apply until such time as a
9 period of 6 consecutive months has elapsed without an
10 additional violation and subsequent conviction of an offense
11 against traffic regulations governing the movement of vehicles
12 or any violation of Section 6-107 or Section 12-603.1 of this
13 Code.

14 (e) A person, regardless of age, may not use a wireless
15 telephone at any time while operating a motor vehicle on a
16 roadway, including, but not limited to, operation of a motor
17 vehicle in a school speed zone established under Section
18 11-605, on a highway in a construction or maintenance speed
19 zone established under Section 11-605.1, or within 500 feet of
20 an emergency scene. As used in this Section, "emergency scene"
21 means a location where an authorized emergency vehicle as
22 defined by Section 1-105 of this Code is present and has
23 activated its oscillating, rotating, or flashing lights. This
24 subsection (e) does not apply to (i) a person over the age of
25 19 years engaged in a highway construction or maintenance
26 project for which a construction or maintenance speed zone has

1 been established under Section 11-605.1, (ii) a person using a
2 wireless telephone for emergency purposes, including, but not
3 limited to, law enforcement agency, health care provider, fire
4 department, or other emergency services agency or entity, (iii)
5 a law enforcement officer or operator of an emergency vehicle
6 over the age of 19 years when performing the officer's or
7 operator's official duties, (iv) a person over the age of 19
8 years using a wireless telephone in a hands-free or
9 voice-operated mode, which may include the use of a headset,
10 (v) a person over the age of 19 years using a wireless
11 telephone by pressing a single button to initiate or terminate
12 a voice communication, or (vi) a person using an electronic
13 communication device for the sole purpose of reporting an
14 emergency situation and continued communication with emergency
15 personnel during the emergency situation.

16 (e-5) A person commits aggravated use of a wireless
17 telephone when he or she violates subsection (e) and in
18 committing the violation he or she was involved in a motor
19 vehicle accident that results in great bodily harm, permanent
20 disability, disfigurement, or death to another and the
21 violation was a proximate cause of the injury or death.

22 (f) A violation of subsection (b) is a petty offense. A
23 person ~~convicted of~~ violating subsection (b-5) or (e-5) commits
24 a Class A misdemeanor if the violation resulted in great bodily
25 harm, permanent disability, or disfigurement to another. A
26 person ~~convicted of~~ violating subsection (b-5) or (e-5) commits

1 a Class 4 felony if the violation resulted in the death of
2 another person. Any violation of this Section is an offense
3 against traffic regulations governing the movement of
4 vehicles, which carries a minimum fine of \$75 for a first
5 offense, \$100 for a second offense, \$125 for a third offense,
6 and \$150 for a fourth or subsequent offense.

7 (Source: P.A. 97-828, eff. 7-20-12; 97-830, eff. 1-1-13;
8 98-463, eff. 8-16-13; 98-507, eff. 1-1-14.)

9 (625 ILCS 5/12-610.2)

10 Sec. 12-610.2. Electronic communication devices.

11 (a) As used in this Section:

12 "Electronic communication device" means an electronic
13 device, including but not limited to a hand-held wireless
14 telephone, hand-held personal digital assistant, or a portable
15 or mobile computer, but does not include a global positioning
16 system or navigation system or a device that is physically or
17 electronically integrated into the motor vehicle.

18 "Electronic message" means reading from or manually
19 entering data into an electronic communication device,
20 including doing so for the purpose of Short Message Service
21 (SMS) texting, emailing, instant messaging, or engaging in any
22 other form of electronic data retrieval or electronic
23 communication.

24 (b) A person may not operate a motor vehicle on a roadway
25 while using an electronic communication device to compose,

1 read, or send an electronic message.

2 (b-5) A person commits aggravated use of an electronic
3 communication device when he or she violates subsection (b) and
4 in committing the violation he or she was involved in a motor
5 vehicle accident that results in great bodily harm, permanent
6 disability, disfigurement, or death to another and the
7 violation was a proximate cause of the injury or death.

8 (c) A ~~second or subsequent~~ violation of this Section is an
9 offense against traffic regulations governing the movement of
10 vehicles. A person who violates this Section shall be fined a
11 minimum ~~maximum~~ of \$75 for a first offense, \$100 for a second
12 offense, \$125 for a third offense, and \$150 for a fourth or
13 subsequent offense.

14 (d) This Section does not apply to:

15 (1) a law enforcement officer or operator of an
16 emergency vehicle , regardless of age, while performing his
17 or her official duties;

18 (2) a driver , regardless of age, using an electronic
19 communication device for the sole purpose of reporting an
20 emergency situation and continued communication with
21 emergency personnel during the emergency situation;

22 (3) a driver over the age of 19 years using an
23 electronic communication device in hands-free or
24 voice-operated mode, which may include the use of a
25 headset;

26 (4) a driver of a commercial motor vehicle over the age

1 of 19 years using the electronic communication device
2 within the permitted scope of his or her employment reading
3 ~~a message displayed on a permanently installed~~
4 communication device designed for a commercial motor
5 vehicle with a screen that does not exceed 10 inches tall
6 by 10 inches wide in size;

7 (5) a driver, regardless of age, using an electronic
8 communication device while parked on the shoulder of a
9 roadway;

10 (6) (blank); ~~a driver using an electronic~~
11 ~~communication device when the vehicle is stopped due to~~
12 ~~normal traffic being obstructed and the driver has the~~
13 ~~motor vehicle transmission in neutral or park;~~

14 (7) (blank); ~~a driver using two way or citizens band~~
15 ~~radio services;~~

16 (8) (blank); ~~a driver using two way mobile radio~~
17 ~~transmitters or receivers for licensees of the Federal~~
18 ~~Communications Commission in the amateur radio service;~~

19 (9) (blank); or ~~a driver using an electronic~~
20 ~~communication device by pressing a single button to~~
21 ~~initiate or terminate a voice communication; or~~

22 (10) (blank). ~~a driver using an electronic~~
23 ~~communication device capable of performing multiple~~
24 ~~functions, other than a hand-held wireless telephone or~~
25 ~~hand-held personal digital assistant (for example, a fleet~~
26 ~~management system, dispatching device, citizens band~~

1 ~~radio, or music player) for a purpose that is not otherwise~~
2 ~~prohibited by this Section.~~

3 (e) A person convicted of violating subsection (b-5)
4 commits a Class A misdemeanor if the violation resulted in
5 great bodily harm, permanent disability, or disfigurement to
6 another. A person convicted of violating subsection (b-5)
7 commits a Class 4 felony if the violation resulted in the death
8 of another person.

9 (Source: P.A. 97-828, eff. 7-20-12; 98-506, eff. 1-1-14;
10 98-507, eff. 1-1-14; 98-756, eff. 7-16-14.)

1 INDEX

2 Statutes amended in order of appearance

3 625 ILCS 5/12-610 from Ch. 95 1/2, par. 12-610

4 625 ILCS 5/12-610.1

5 625 ILCS 5/12-610.2